



Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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FINAL MINUTES FOR SUMMARY ACTION TELECONFERENCE MEETING

Held on January 30, 2006

9535 E. Doubletree Ranch Road • Scottsdale, Arizona

Board Members

Tim B. Hunter, M.D., Chair
William R. Martin III, M.D., Vice Chair
Douglas D. Lee, M.D., Secretary
Patrick N. Connell, M.D.
Ronnie R. Cox, Ph.D.
Robert P. Goldfarb, M.D.
Becky Jordan
Ram R. Krishna, M.D.
Lorraine L. Mackstaller, M.D.
Sharon B. Megdal, Ph.D.
Dona Pardo, Ph.D., R.N.
Paul M. Petelin, Sr., M.D.

CALL TO ORDER

Tim B. Hunter, M.D. called the meeting to order at 12:00 p.m.

ROLL CALL

The following Board Members were present: Robert P. Goldfarb, M.D., Tim B. Hunter, M.D., Becky Jordan, Ram R. Krishna, M.D., Douglas D. Lee, M.D., William R. Martin, III, M.D., Sharon B. Megdal, Ph.D., and Dona Pardo, R.N., Ph.D.

The following Board Members were not present: Patrick N. Connell, M.D., Lorraine Mackstaller, M.D., Paul M. Petelin, M.D., and Ronnie R. Cox, Ph.D.

CALL TO THE PUBLIC

Stephen Flynn, M.D. addressed the Board regarding his case on the agenda.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN		LIC. #	RESOLUTION
1.	MD-05-0177A MD-05-1029A	AMB J.R.	BRUCE C. HUNTER, M.D.	24075	Summarily Suspend

Neither Bruce C. Hunter, M.D. nor his legal counsel was present for the meeting.

Brenda Heverly, Senior Medical Investigator presented the case to the Board. Case # MD-05-0177A was opened on March 25, 2005 when Arizona Medical Board Staff received an anonymous complaint alleging Dr. Hunter prescribed Soma over the Internet without establishing a patient-doctor relationship or conducting a physical exam. On October 4, 2005 another anonymous complaint was received alleging Dr. Hunter prescribed Soma via the Internet to a patient who overdosed and nearly died. The Arizona Medical Board's Chief Medical Consultant reviewed the case and determined the overdose represented actual harm to the patient.

In April 2005 Dr. Hunter was noticed by the Arizona Medical Board Staff on four different occasions and finally responded on November 7, 2005. In his response, Dr. Hunter said he had prescribed medications via the internet, but immediately stopped upon learning of the Board's inquiry. A Utah pharmacy provided prescriptions signed by Dr. Hunter that indicated Dr. Hunter continued to prescribe over 400 medications over the Internet after telling the Arizona Medical Board that he had stopped. Patient P.Z., who overdosed, was contacted and said he has never had any contact with Dr. Hunter and that he received the prescription via mail.

Case # MD-05-1029 was opened after the Arizona Medical Board Staff received a complaint from J.R. on October 6, 2005 alleging Dr. Hunter prescribed Cialis over the Internet without establishing a doctor-patient relationship or performing a physical examination. Dr. Hunter responded to this case at the same time he responded to the first case (MD-05-0177A), stating he had immediately stopped prescribing medications via the Internet. A Florida pharmacy provided information showing Dr. Hunter continued to prescribe medications via the Internet after stating he said he had stopped. His last prescription was dated January 17, 2006. Patient J.R. said he was never contacted by Dr. Hunter to verify his medical information.

MOTION: Robert P. Goldfarb, M.D. moved that for the protection of public health and safety, the Board Summarily Suspend the license for violations of: A.R.S. §32-1401 (27)(e) - Failing or refusing to maintain adequate records on a patient; A.R.S. §32-1401 (27)(q) - Any conduct or practice that is or might be harmful or dangerous to the health of the patient or the public; A.R.S. §32-1401 (27)(dd)- Failing to furnish information in a timely manner to the board or the board's investigators or representatives if legally requested by the board; A.R.S. §32-1401 (27)(jj) - Knowingly making a false or misleading statement to the board or on a form required by the board or in a written correspondence, including attachments, with the board; A.R.S. §32-1401 (27)(ll)- Conduct that the board determines is gross negligence, repeated negligence or negligence resulting in harm to or the death of a patient; and A.R.S. §32-1401 (27)(ss) - Prescribing, dispensing or furnishing a prescription medication or a prescription-only device as defined in section 32-1901 to a person unless the licensee first conducts a physical examination of that person or has previously established a doctor-patient relationship.

SECONDED: Ram R. Krishna, M.D.

Tim B. Hunter, M.D. spoke in favor of the motion stating it is clear the physician is a danger to the health and safety of the public in that he prescribes medications without establishing physician-patient relationships or performing a physical exam. Dr. Hunter also noted the physician also has not been forthright or cooperative with the Board.

ROLL CALL VOTE: Roll call vote was taken and the following Board Members voted in favor of the motion: Robert P. Goldfarb, M.D., Tim B. Hunter, M.D., Becky Jordan, Ram R. Krishna, M.D., Douglas D. Lee, M.D., Sharon B. Megdal, Ph.D., William R. Martin, III, M.D., and Dona Pardo, R.N., Ph.D.

**VOTE: 8-yay, 0-nay, 0-abstain/recuse, 4-absent
MOTION PASSED.**

NO.	CASE NO.	COMPLAINANT v PHYSICIAN		LIC. #	RESOLUTION
2.	MD-05-0653A	M.H.	Stephen E. Flynn, M.D.	3351	Summarily Suspend

Stephen E. Flynn, M.D. was present without legal counsel.

Dr. Flynn addressed the Board and said the patient who filed the complaint was told over the phone that his examination would cost \$180.00. However, his services were more extensive and she was charged more than the price she had been quoted - \$250.00. He said the patient was very upset with this and he now feels he should have left the fee at the original quoted price. Dr. Flynn said he believes some of the patient's complaints may be valid but that not all of them were. Dr. Flynn said he does give vaccinations in his waiting room. He said he uses an alcohol swab only when he draws blood and not for immunizations. Dr. Flynn said he has never re-used any needle.

Victoria Kamm, Senior Medical Investigator presented the case to the Board. Ms. Kamm said that both she and Pearl Reed, Senior Medical Investigator, conducted a site visit at Dr. Flynn's office. They found that the complainant accurately described the conditions of the office and the procedures used by Dr. Flynn. Specifically, the office was unsanitary and cluttered and Dr. Flynn had disregard for basic hygienic procedures. They also reviewed six medical records and found them deficient of medical histories, diagnoses, treatments, or plans. Additionally, Board investigators witnessed patient S.P. receive an immunization given by Dr. Flynn while the patient stood in the waiting room. Dr. Flynn recorded in patient S.P.'s medical record that the patient "met the medical examination and health follow-up requirements for adjustment of status," even though the investigative staff witnessed Dr. Flynn not examine the patient. Dr. Flynn told the investigators that the bulk of his practice consists of immigrants needing to obtain the necessary documentation for residency requirements.

Dr. Flynn again addressed the Board and said he does examine each patient before he gives immunizations, and could begin using an alcohol swab prior to the injection, although there is not scientific evidence that shows it is necessary. Dr. Flynn said he would like a chance to clean up his office and be re-evaluated.

Ram R. Krishna, M.D. asked Board Staff if there was any patient harm found. Kelly Sems, M.D. said potential harm was found, but actual harm was not found in the records reviewed.

Sharon B. Megdal, Ph.D. asked if the physician performs surgery because she noted his specialty is general surgery. Dr. Flynn, said he does not perform surgery. Dr. Megdal said she found this case to be egregious and said that just because the Board had not received reports of patient harm, it does not mean there was not patient harm. Dr. Megdal noted that if the majority of his patients are immigrants, they may not know the process to file a complaint with the Arizona Medical Board.

Dr. Krishna also noted his concern with the physician's inadequate medical records.

Tim B. Hunter, M.D. summarized the Board's discussion commenting there were many concerns in this case.

Robert P. Goldfarb, M.D. said he was disturbed with this case because the physician is a general surgeon and has an apparent disregard for sanitary practices. Dr. Goldfarb also expressed his concern that Dr. Flynn falsifies medical records and then provides those falsifications to the government.

Dr. Hunter asked about the physician's prior complaint history. Amanda Diehl, Deputy Executive Director answered that the physician had a previous Decree of Censure and an Advisory Letter for inadequate medical records.

MOTION: Douglas D. Lee, M.D. moved that for the protection of public health and safety, the Board Summarily Suspend the license for violations of: A.R.S. §32-1401 (27)(e) - Failing or refusing to maintain adequate records on a patient; A.R.S. §32-1401 (27)(q) - Any conduct or practice that is or might be harmful or dangerous to the health of the patient or the public; and A.R.S. §32-1401 (27)(t)- Knowingly making any false or fraudulent statement, written or oral, in connection with the practice of medicine or if applying for privileges or renewing an application for privileges at a health care institution.

SECONDED: Robert P. Goldfarb, M.D.

Dr. Krishna noted it was not the first time the medical record issue had been addressed for this physician by the Arizona Medical Board.

ROLL CALL VOTE: Roll call vote was taken and the following Board Members voted in favor of the motion: Robert P. Goldfarb, M.D., Tim B. Hunter, M.D., Becky Jordan, Ram R. Krishna, M.D., Douglas D. Lee, M.D., Sharon B. Megdal, Ph.D., William R. Martin, III, M.D., and Dona Pardo, R.N., Ph.D.

VOTE: 8-yay, 0-nay, 0-abstain/recuse, 4-absent

MOTION PASSED.

The meeting adjourned at 12:23 p.m.



A handwritten signature in black ink, appearing to read "Tim C. Miller".

Timothy C. Miller, J.D., Executive Director